

OFFICIAL GAZETTE



GOVERNMENT OF GOA

EXTRAORDINARY

No. 2

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

7-53-2001/LA

The Goa Administrative Tribunal (Amendment) Act, 2001 (Goa Act 54 of 2001), which has been passed by the Legislative Assembly of Goa on 23-7-2001 and assented to by the Governor of Goa on 5-09-2001, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 12th September, 2001.

The Goa Administrative Tribunal (Amendment) Act, 2001

(Goa Act 54 of 2001) [5-9-2001]

AN

ACT

further to amend the Goa Administrative Tribunal Act, 1965.

BE it enacted by the Legislative Assembly of Goa in the Fifty-second Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Administrative Tribunal (Amendment) Act, 2001.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Administrative Tribunal Act, 1965 (Act 6 of 1965) (hereinafter referred to as the 'principal Act'), before clause (b), the following clause shall be inserted, namely:—

"(a) 'Additional President' means the Additional President of the Tribunal";

3. *Amendment of section 3.*— In section 3 of the principal Act,—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The Tribunal shall consist of a President and an Additional President both of whom shall be appointed by the State Government. Both, the President and the Additional President, shall have co-extensive powers and concurrent jurisdiction to deal with cases filed in the Tribunal. The Additional President shall decide such cases as are made over to him by the President.";

(ii) in sub-section (3).—

(a) for the word 'President', the words 'President or Additional President' shall be substituted;

(b) for the existing proviso, the following shall be substituted, namely:—

"Provided that the President and the Additional President shall be persons who have such legal qualification or experience as may be prescribed."

4. *Amendment of section 12.*— In section 12 of the principal Act, for the word 'President', the words 'President or the Additional President' shall be substituted.

5. *Amendment of section 13.*— In section 13 of the principal Act, in clause (c), for the word "President", the words "President or the Additional President" shall be substituted.

Secretariat-Annexe,
Panaji.
Dated: 12-9-2001.

V. P. SHETYE,
Secretary to the
Government of Goa
Law Department
(Legal Affairs)

Notification

7-58-2001/LA

The Goa Prevention of Defacement of Property (Second Amendment) Act, 2001 (Goa Act 55 of 2001), which has been passed by the Legislative Assembly of Goa on 23-7-2001 and assented to by the Governor of Goa on 5-9-2001, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).
Panaji, 12th September, 2001.

The Goa Prevention of Defacement of Property (Second Amendment) Act, 2001

(Goa Act 55 of 2001) [5-9-2001]

AN

ACT

further to amend the Goa Prevention of Defacement of Property Act, 1988.

BE it enacted by the Legislative Assembly of Goa in the Fifty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Prevention of Defacement of Property (Second Amendment) Act, 2001.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 3.*— In sub-section (1) of section 3 of the Goa Prevention of Defacement of Property Act, 1988 (Goa Act No.5 of 1990),—

(i) for the words "one thousand rupees", the words "five thousand rupees" shall be substituted;

(ii) for the existing proviso, the following shall be substituted, namely:—

"Provided that in the interest of tourism and economic activities of the State of Goa, the Collector or any other authority authorized by the Government in this behalf, may, allow displaying of any board or hoarding at any public place and, for activities necessitating digging of a public road, allow such digging, on such terms and conditions and at such rates as may be notified by the Government by notification from time to time."

Secretariat-Annexe,
Panaji.

Dated: 12-9-2001.

V. P. SHETYE,
Secretary to the
Government of Goa
Law Department
(Legal Affairs)

Notification

7-61-2001/LA

The Goa Tourist Places (Protection and Maintenance) Act, 2001 (Goa Act 56 of 2001), which has been passed by the Legislative Assembly of Goa on 23-07-2001 and assented to by the Governor of Goa on 5-09-2001, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).
Panaji, 12th September, 2001.

The Goa Tourist Places (Protection and Maintenance) Act, 2001

(Goa Act 56 of 2001) [5-9-2001]

AN

ACT

to protect and maintain the tourist places from deterioration and erosion and preserve their tourism potential.

BE it enacted by the Legislative Assembly of the State of Goa in the Fifty-second Year of the Republic of India, as follows:—

1. *Short title, extent and commencement.*—

(1) This Act may be called the Goa Tourist Places (Protection and Maintenance) Act, 2001.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force at once.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "competent authority" means the authority appointed under section 4 of this Act;

(b) "Government" means the Government of Goa;

(c) "nuisance" includes any act of commission or omission or carrying on of any activity, process, operation including the operation of or plying of vessels or boats or timber, raft or any other floating object in any part of the sea, river, or port which causes or is likely to cause injury, danger, annoyance to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property and includes oil spillage;

(d) "tourist place" means any place, site or location declared by the Government as tourist place under section 3 of this Act and shall include any land, monument, lake, river, beach or portion thereof;

(e) "tourism potentiality" means a tourist place where a person or group of persons including pilgrims are likely to visit.

3. *Declaration of tourist places.*— On and from the date of coming into force of this Act, the Government may, by notification in the Official Gazette, declare any place, monument, site, location to be a tourist place for the purposes of this Act, including any river, riverbed, beach, water spring, lake, water course or land, etc.

4. *Appointment of competent authority.*— Government may, by notification in the Official Gazette, appoint any gazetted officer of the Government to be a Competent Authority either for the whole of the State of Goa or for each district of the State of Goa.

5. *Prevention of nuisance.*— Notwithstanding anything contained in any other law for the time being in force, or any instrument, contract

or usage or any order, judgement or decree of any court, on and from the date of coming into force of this Act,—

(a) no person, company, association or firm or any other body shall cause any nuisance or carry out any activity, process, operation, etc., including the operation of or plying vessels, boats, etc. or omit to prevent or remove the nuisance, which damages or deteriorates or is likely to damage or deteriorate or is capable of being damaged or deteriorated or has damaged or deteriorated the tourism potentiality of any tourist place, declared as such, under section 3 of this Act.

(b) the competent authority, either on its own motion or upon a complaint received or upon reference made to it, may, by an order in writing and without giving any prior notice, prohibit any nuisance being caused or prevent any such activity, process, operation as referred to in clause (a) above being carried out, if in the opinion of the said competent authority, it has damaged or deteriorated or is likely to damage or deteriorate the tourism potentiality of any tourist place, and pass such interim orders as it deems fit to give effect to the objects of this Act.

6. *Notice for removing the nuisance.*— If, in the opinion of the competent authority, a nuisance is having impact on the tourism potentiality, it shall issue a notice to the owner, occupier, lessee, charterer or any person enjoying right of usage or has control of the object which has contributed to the nuisance and the owner, occupier, lessee, charterer or any person enjoying right of usage or has control of the object, as the case may be, shall within a period of 15 days from the date of receipt of such notice, abate or remove the same, and unless the same is removed or abated by the said person within the said period of 15 days or such further time as may be extended by the competent authority, but not exceeding 3 months, the competent authority shall cause removal of such nuisance.

7. *Object of nuisance shall stand forfeited and vest in the Government.*— On the failure of the owner, occupier, lessee, charterer or any person against whom notice of removal of nuisance is issued, to comply with the order

of removal of such nuisance within the time fixed by the competent authority, the material thing or object of nuisance shall stand forfeited and vest in the Government, except that when such material thing or object is sold in public auction, any sum over and above the cost of removal of nuisance, shall be payable to its owner. In case the cost of removal exceeds the sale price in auction the balance shall be recovered from the concerned owner, as provided in Section 8.

8. *Expenses and costs for removing the nuisance.*— The expenses and costs incurred, if any, the Competent Authority in removing or abating such nuisance, shall be recovered from the person who has caused such nuisance or from the owner/occupier of the object which has contributed to the nuisance, in the same manner as arrears of land revenue.

9. *Dealing with the property of nuisance.*— Any property, thing, material or object, which is a nuisance under this Act, may be disposed off or dealt with by the Government, in the manner it deems fit.

10. *Offences and penalties.*— (1) Whoever contravenes any of the provisions of this Act or fails to comply with any order or directions given under the Act or obstructs any person acting under the orders or directions of the Competent Authority from exercising his powers and performing his functions under this Act, shall be punishable with imprisonment for a term which shall not be less than 3 months but which may extend to 3 years or with fine which may extend to Rs. 5,000/- or with both.

(2) Any offence committed under this Act shall be cognizable and non-bailable.

11. *Appeal.*— (1) An appeal shall lie against the order passed by the competent authority under this Act to the Government, whose decision on appeal shall be final.

(2) No court shall have jurisdiction to take cognizance of any suit, appeal or proceeding, against any order which can be dealt with under this Act, passed or likely to be passed under this Act.

12. *Protection for acts done under this Act.*— No suit, prosecution or other legal proceedings shall lie in any court, against the Government, Competent Authority or any of its officers or persons duly appointed or authorized by it in respect of anything which is done in good faith or is intended to be done in pursuance of or under this Act or the rules made thereunder.

13. *Certain officers to act in aid of Competent Authority.*— All officers of the police force, home guards, person in-charge of Police Station shall act in aid of the orders of Competent Authority.

14. *Power to make rules.*— The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

15. *Power to remove difficulties.*— If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything not inconsistent with the provisions of this Act which appear to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiration of three years from the commencement of this Act.

Secretariat-Annexe,
Panaji.

Dated: 12-9-2001.

V. P. SHETYE,
Secretary to the
Government of Goa
Law Department
(Legal Affairs)